18

Preserve

G. R. S. IX-5]

Previous references

File No. 51 – 20,

1920.

Serial Nos. 1 to 3

(P. P.)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3

Part B for September, 1920.

SUBJECT.

Re - the bilateral treaty with Poland, Greece and other States

---

Sl 3.

From the Custodian of Enemy Property in Mysore

C. No: 768/Gl 9-20

~~For~~ Returns the papers re^s to the Subject Sent with this Office Memo G3717 Dt 16.8.20

WD 788—GPB—5,000—7-11-19

BCS/9/9/20 } JW

Enc 2 Rdl 192

MYSORE RESIDENT'S OFFICE,

Bangalore, 3rd August 1920.

No. 6665

2102

PP 37-20

CHIEF SECRETARIAT. POLITICAL BRANCH. 4 AUG. 1920

A copy of the marginally* noted letter, with enclosure, is forwarded, with compliments, to the Chief Secretary to the Government of H. H. the Maharaja of Mysore, for favour of such action as may be considered necessary.

*No. 3396 dated 24th June 1920, from the Government of India, Department of Commerce.

Subd with a Draft to the Custodian of Enemy Property

G. I. Secy

2) Secy No G 3778 dt. 16/8/20

First Assistant Resident.

BJ

R. O. 178.—R. P. B.—1-1920.—1,000.

(2)

GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE SECRETARIAT.

No. G.S.17 Ens 918 M.S.A.2

Dated Bangalore, 18/8/1920.

~~A copy of~~ the marginally noted Letter with enclosures is forwarded with compliments to the Custodian of Enemy Property in Mysore for information.

No. 3396 M 24-6-20 from the Govt of India

It is requested that the enclosures may kindly be returned after perusal.

By Order,

For Chief Secretary to Govt.

848

4816

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.
SECTION. 57-20-3.
FILE NO.
SERIAL NO. 2-9-20

C.No. 768/19-20

Bangalore 31st August 1920.

FROM

K.R. Srinivasiengar, Esq., M.A.,
Revenue Commissioner in Mysore. and
Custodian of Enemy Property in Mysore.

To

Chief
The Secretary to the Government of
His Highness the Maharaja of Mysore,
~~xxxxxxxxxxxx~~

SIR,

I have the honour to return herewith with thanks the papers forwarded with your Memorandum No.G.3717/P.P.51-20-2 dated 16th August 1920 on the subject of the bilateral treaty with Poland, Greece and other States.

I have the honour to be,

S i r,

Your most obedient servant,

Revenue Commissioner and
Custodian of Enemy Property in Mysore.

B.R.
SK

R. C. 4.

CHIEF SECRETARIAT
POLITICAL BRANCH
SEP. 1920

From

M.N.Srinivasiengar, Esq., M.A.,

Revenue Commissioner in Mysore. &
Custodian of Enemy Property in
Mysore.

To the Chief

The Secretary to the Government of
H. H. the Maharaja of Mysore,
Department

Dated 31st August 1920.

Despatched

Received

General No.

Enclosure No.

SUBJECT.

Returning herewith the papers forwarded with your Memorandum No.C.3717/M.A.Sol-20-2 dated 10th August 1920, on the subject of the bilateral [illegible] Poland, Greece and other States.

Sealed

These papers will be filed.

CHIEF SECRETARIAT
POLITICAL BRANCH
SEP. 1920

Letter No. 3396, dated the 24th June 1920, from the Assistant Secretary to the Government of India in the Department of Commerce, Simla, to the Hon'ble the Resident in Mysore and Chief Commissioner of Coorg.

5

*****

Sir,

I am directed to forward for information a copy of the letter from the India Office, No. E. & S. 4058/20, dated the 27th May 1920, and enclosures, on the subject of the draft bilateral treaty with Poland, Greece and other States. Custodians may be instructed provisionally to follow the principles embodied in the draft treaty in dealing with the property of former enemy nationals who have acquired non-enemy nationality in virtue of one of the Peace Treaties.

R. & S. 4058/20.

INDIA OFFICE, LONDON,
27th MAY 1920.

Dear Sir,

With reference to my letter No. R & S. 1931/20, dated the 30th March 1920, I forward, for information a copy of the papers noted in the margin, on the subject of the draft bilateral treaty with Poland, Greece and other States.

R. & S. 3409/20, dated the 6th May 1920.
Foreign Office 196467/W/50, dated the 25th May 1920, and enclosures.

I am,
Yours faithfully,
Sd/- Campbell,
for Secretary,
REVENUE AND STATISTICS DEPT.

To the Secretary to the Government of India,
Department of Commerce.

R. & S. 3409/20.

6th MAY 1920.

Sir,

With reference to your memorandum No. 193471/W/50, dated the 31st April 1920, on the subject of the draft bi-lateral treaties between the United Kingdom and Poland and other countries, I am directed by the Secretary of State for India in Council to inform you that no further communication has been received from the Government of India regarding the draft.

It may be assumed that they see no objection to the suggestion to omit articles 8, and the Annex thereto.

I have the honour to be, Sir,
Your obedient servant,

Sd. L.J. Kershaw,

Secretary,
Revenue & Statistics Department.

The Under Secretary of State. Foreign Office.

196467/W/50. S.W.I.

May 25th 1920.

Sir,

With reference to your letter No. 19865/20 of the 22nd April, regarding the draft bilateral Treaties between the United Kingdom and Poland and other countries in regard to the property, rights and interests of British and other Allied nationals under the terms of the Treaty of Peace, I am directed by Earl Curzon of Kedleston to transmit to you herewith a copy of a note which has been addressed to the Polish, Czecho-Slovak, Greek, Roumanian, and Serb-Croat-Slevene representatives in London, containing a revised draft of the Treaty.

2. It will be seen that a paragraph has been added to Article 2, in addition to the modifications of the original draft suggested in Foreign Office letter No. 178624/W/50 of the 24th February last, to the following effect: -

"The provisions of this Article do not apply to property, rights and interests which since the outbreak of war between the British Empire and Germany, Austria-Hungary, Bulgaria and Turkey respectively, have belonged to nationals of those countries who do not acquire (Greek, Polish, Czecho-Slovak, Roumanian, and Serb-Croat-Slovene) nationality in accordance with the Treaties of Peace nor do the provisions in question apply to the proceeds of sale of such property".

3. This paragraph which has been added at the instance of the Board of Trade and the Treasury, was inadvertently omitted from the draft originally communicated to the Department in - Foreign Office letter No. 169610/W/50 of the 9th February. As the paragraph does not affect the ~~xxxxxx~~ interests of British nationals it has been inserted in the draft communicated to - foreign representatives in London without further communication with your Department.

I am, Sir,
Your most obedient, humble Servant,
(Signed) Charles Tufton.

The Under Secretary of State,

Colonial Office.

No. 196467/W/50 FOREIGN OFFICE, S.W.I. 18

May 25th 1920.

Sir,

As you are no doubt aware, negotiations were were begun in Paris in the autumn of last year between the British Delegation to the Peace Conference and the

Polish
Czecho-Slovak
Greek
Roumanian
Serb-Croat-Slovene

Deledation for the conclusion of a bilateral treaty between His Majesty's Government and the

Polish
Czecho-Slovak
Greek
Roumanian
Serb-Croat-Slovene

Government regarding the property rights and interests of British and

Polish
Czecho-Slovak
Greek
Roumanian
Serb-Croat-Slovene

nationals, under the terms of the treaties of peace.

2. Having regard to the time which has elapsed since the drafts of these treaties were orginally drawn up in Paris and discussed with the technical representatives of your Government, His Majesty's Government have felt very doubtful whether it is any longer in the interests either of

Poland
Czecho-Slovakia
Greece
Roumania
Jugo-Slavia

or of this country to include in the agreements the provision originally proposed relating to the dissolution of pre-war contracts. Commercial intercourse has now long been re-establish-ed with the territories transferred from enemy powers, and in many cases a settlement will have been reached regarding such contracts by voluntary agreement between the parties, which it would be undesirable to re-open. Having regard to all the circumstances, His Majesty's Government have considered it best to recast entirely Article 8 of the proposed treaty.

3. Other small alterations have now been made in the draft text after discussion with the various departments of His -

Majesty's

Majesty's Government concerned. In particulat the terms of the treaty, as now drafted, embrance the interests of all - British nationals.

4. I now have the honour to transmit to you herewith a copy of the amended draft and to ask whether your Government would be willing to conclude an agreement in this form with His Majesty's Government and whether they would, in that case, send you the necessary instructions for the signature of the agreement in London.

I have etc.,

(Signed)

Prince Eustace Sapieha,

etc. etc. etc.

Dr. Ferdinand Veverka,

etc., etc. etc.

Monsieur Demetrius Caclamanos,

etc. etc. etc.

Prince Antoine Bibesco

etc. etc. etc.

Monsieur Michel Gavrilovitch,

etc etc. etc.

DRAFT OF BILATERAL TREATY BETWEEN THE BRITISH EMPIRE AND

Property, Rights and Interests.

ARTICLE I

Will take all steps that may be necessary with a view to ensuring the carrying out of the measures of restoration provided for in paragraphs (a) and (f) of Article 297, and in Article 238 of the Treaty of Peace with Germany, and in the analogous Articles of the other Treaties of Peace, so far as the property, rights and interests to be restored to British nationals, including companies and associations in which such nationals are interested, are within territory. Any compensation provided for by the said Articles remains at the charge of the ex-enemy country concerned.

ARTICLE 2.

The exceptional war measures and measures of transfer (defined in paragraph 3 of the Annex to Section IV of the Treaty of Peace with Germany and the analogous provisions of the other Treaties of Peace) taken in the British Empire with respect to the property, rights and interests of nationals, including companies and associations in which they are interested, when liquidation has not been completed, shall be discontinued or stayed, and the property, rights and interests concerned shall be restored to their owners except so far as they may have been affected by steps already taken.

Nevertheless, by way of exception to the foregoing, liquidations in progress may be completed in any case where, having regard to the circumstances of the case, the discontinuance or stay of the liquidation would be prejudicial to the interests concerned.

Nationals whose property, rights and interests have during the war been the subject in the British Empire of liquidation, disposal, letting, or any other measure of transfer, total or

partial, applied to the property, rights or interests of ex-enemy nationals, shall receive direct their lawful share in the proceeds of such liquidation, disposal, letting or other measures.

Nothing in this Article applied to ships or boats.

The provisions of this Article do not apply to property, rights and interests which since the outbreak of war between the British Empire and Germany, Austria-Hungary, Bulgaria and Turkey respectively, have belonged to nationals of those countries who do not acquire nationality in accordance with the Treaties of Peace, nor do the provisions in question apply to the proceeds of sale of such property.

ARTICLE 3

. undertakes. in so far as reciprocity is granted, to ensure to the property, rights, and interests restored to the British nationals under the preceding Articles the same treatment as to property, rights, and interests of the same kind belonging to her own nationals; not to subject the said - property, rights and interests to any measures in derogation of property rights which are not applied equally to the - property, rights, and interests of her nationals: and to pay adequate compensation in the event of the application of these measures.

ARTICLE 4.

In any case where the greater part of the share capital of a company or undertaking incorporated in accordance with German, Austro-Hungarian , Bulgarian or Turkish ~~law~~ law belonged to - nationals of the other High Contracting Party, or to a company controlled by them the right of liquidating the company or undertaking provided by Article 297 (b) of the Treaty of Peace with Germany and the analogous Articles of the other Treaties of Peace shall be exercised only after agreement between the High Contracting Parties.

In

In all cases where nationals of one of the High Contracting Parties are interested in a company or undertaking liquidated by the other High Contracting Party in accordance with the right referred to above, these nationals shall receive their proper proportion of the proceeds of liquidation.

In the application of this and the following Article account shall only be taken of the interests of British and nationals existing in the company or undertaking the 1st August 1914.

ARTICLE 5.

Until the conclusion of a reciprocal agreement between the High Contracting Parties regarding the operation in the territory of one of the High Contracting Parties of companies incorporated in the territory of the other, any company whose business was mainly carried on or whose head office was established before the 1st August, 1914, in the territories transferred to and of which the greater part of the share capital belonged to British nationals or to a company controlled by them shall have the right to transfer its property, rights and interests to another company incorporated in accordance with the law of This company shall not be subjected to any special charge or tax on account of this transfer.

ARTICLE 6.

undertaks that any decisions taken since the beginning of the war until the expiry of three months after the signature of the present Treaty by general meetings of companies whose head office was situated in one of the territories now forming part of the State shall not be considered invalid by reason of the fact that those general meetings were held abroad.

ARTICLE 7.

Each of the High Contracting Parties will grant to the nationals of the other who have suffered injury from acts of war the same extension of time for payment of their debts as to its own nationals.

ARTICLE 8.

Within the meaning of Articles 9, 10, 12 and 17, the parties to a contract shall be regarded as separated parties when trading between them shall have been prohibited by or otherwise become unlawful under the laws, orders or regulations of a State to whose jurisdiction one of those parties was subject. They shall be deemed to have become separated parties from the date when such trading was prohibited or otherwise became unlawful. The expression "period of separation" means the period during which such trading was unlawful.

ARTICLE 9

(a) All periods of prescription, or limitation of right of action, shall be treated in the territory of the High Contracting Parties, so far as regards relations between separated parties, as having been suspended for the period of separation. They shall begin to run again at earliest three months after the coming into force of the present Treaty. This provision shall apply to the period prescribed for the presentation of interest or dividend coupons or for the presentation for repayment of securities drawn for repayment or repayable on any other ground.

(b) As regards negotiable instruments, the period of three months provided under the preceding paragraph shall commence as from the date on which any exceptional regulations applied in the territories of the interested Power with regard to negotiable instruments shall have definitely ceased to have force.

ARTICLE 10.

As between separated parties no negotiable instrument made before the period of separation shall be deemed to have become invalid by reason only of failure, within the required time, to present the instrument nf for acceptance or payment or to give notice of non-acceptance or non-payment to drawers or indorsers or to protest the instrument, nor by reason of failure to complete any formality during the period of separation.

Where the period within which a negotiable instrument should have been presented for acceptance or for payment, or within which notice of non-acceptance or non-payment, should have been given to the drawer or indorser, or within which the instrument should have been protested, has elapsed during the period of separation, and the party who should have presented or protested the instrument or have given notice of non-acceptance or non-payment has failed to do so during that period, a period of not less than three months from the coming into force of the present Treaty shall be allowed within which presentation, notice of non-acceptance or non-payment or protest may be made.

ARTICLE 11.

The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal provided for in Section VI of Part X of the Treaty with Germany and the analogous sections of the other Treaties of Peace as final and conclusive and to render them binding on their nationals.

INDUSTRIAL PROPERTY.

ARTICLE 12.

No claim shall be made or action brought by nationals on the one part or by the British Empire or British nationals on the other part, in respect of the use during the war by the Governments of the British Empire or the fg Government of of by any persons acting on their

behalf or under their direction, of any rights in industrial, literary, or artistic property belonging to persons who - became separated parties nor in respect of the sale, offering for sale or use of any products, articles or apparatus whatsoever to which such rights applied.

No action shall be brought and no claim made by persons residing or carrying on business within the territory of on the one part and the British Empire on the other or by or British nationals respectively, or by any one deriving title during the war from such persons, by reason of any user which has taken place within the territory of the other party during the war, which might constitute an infringement of the rights of industrial property or rights of literary and artistic property belonging to persons who became separated parties, either existing at any time during the war or revived under the provisions of Articles 307 and 308 of the Treaty of Peace with Germany or the analogous Articles of the other Treaties of Peace Equally no action for ~~xng~~ infringement of industrial, literary or artistic property rights by such persons shall at any time be permissible in respect of the sale or offering for sale for a period of one year after the signature of the present Treaty in the British Empire or the territory of of products or articles so manufactured, or if literary or artistic works so published, during the period aforesaid, or against those who have acquired and continue to n use them.

ARTICLE 13.

is willing within twelve months of the conclusion of this Treaty to adhere in the prescribed form to: -

(a) The International Convention of Paris of the 20th March, 1883, revised at Washington in 1911, for the protection of industrial property.

(b) The International Convention of Berne of the 9th - September 1886, revised at Berlin 1908, with the additional protocol signed at

protocol

protocoal signed at Berne on the 20th March, 1914, for the protection of literary and artistic works.

ARTICLE 14.

agrees, on condition of reciprocal treatment, to recognise and protect industrial, literary, and artistic property by effective legislation and in accordance with the principles of the said Convention.

ARTICLE 15

agrees, on condition of reciprocal treatment, to restore, recognise, and protect all rights to or in industrial, literary and artistic property belonging to British nationals in force, or which, but for the war, would have been in force, in any part of its present territories (including any transferred territory), and for such purpose will accord the extension of time agreed to in Articles 307 and 308 of the Treaty with Germany (and in the analogous Articles of the other Treaties of Peace) and under the same conditions.

In the case of conflict between any rights so restored or recognised, such rights shall be considered as valid only in that part of the territories of in which they were in force before its transference to.

ARTICLE 16.

The nationals of whose rights in industrial, literary, or artistic property have during the war been the subject of the special measures of war applied by the British Empire to the property, rights, and interests of ex-enemy nationals, shall receive direct their lawful share in any sums or proceeds due or payable in virtue of such measures.

ARTICLE 17.

Licenses in respect of rights in industrial, literary, or artistic property concluded between persons now subject to jurisdiction of and British nationals who have become

become separated parties shall be regarded as having been dissolved as from the time when any two of the parties became separated parties, but the former beneficiary of any such licence shall have the right, within a period of six months after the coming into force of the present Treaty, to demand from the proprietor of the rights the grant of a new licence, conditions of which, in default of agreement, shall be fixed by a duly qualified tribunal in the country in which the rights exist

No licence in respect of industrial, literary, or artistic property, granted under the special war legislation of the British Empire, shall be affected by the continued existence of any licence entered into before the war, but shall remain valid and of full effect, and a licence so granted to the former beneficiary of a licence entered into before the war shall be considered as substituted for such licence.

ARTICLE 18.

For purposes of this Treaty the expressions "British Empire" and "the territory of the High Contracting Parties" in relation to the British Empire shall include all territories under His Britannic Majesty's protection, and the expressions "British nationals" and "nationals of the High Contracting Parties" in relation to the British Empire shall include native inhabitants of such territories.

" C O P Y "

V. Mennon

REGISTRAR, RESIDENT'S OFFICE.

CVV.